

CITY COUNCIL PROCEEDINGS

JULY 22, 2008

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 22, 2008
Tuesday, 09:30 AM

The City Council met in regular session with Carl Brewer, Sue Schlapp, Lavonta Williams, Paul Gray, Jeff Longwell, Jim Skelton, and Sharon Fearey.

Staff Members Present: Scott Moore Interim City Manager, Gary Rebenstorf Director of Law, and Karen Sublett City Clerk.

Approve the minutes of the regular meeting

Carl Brewer moved to approve the minutes of the regular meeting.
Motion carried 7 to 0

AWARDS AND PROCLAMATIONS

PUBLIC AGENDA

UNFINISHED COUNCIL BUSINESS-NONE

NEW COUNCIL BUSINESS

1. 2009 Annual Operating Budget and 2008 Budget Revisions.

Attachment: [Agenda Item 1.](#)

Attachment: [Supporting Document \(Budget Hearing Notices\)](#)

Attachment: [Supporting Document \(Ordinance SSMID\)](#)

Attachment: [Supporting Document \(Ordinance Gilbert and Mosley\)](#)

Attachment: [Supporting Document \(Ordinance North Industrial Corridor\)](#)

Attachment: [Supporting Document \(Ordinance\)](#)

Attachment: [Supporting Document \(Ordinance East Bank\)](#)

Kelly Carpenter Finance Director reviewed the item.

Kelly Carpenter, Finance Director stated today the Council is setting the total dollar levied for the general fund and the debt service fund at \$100,840,350.00. Stated the total dollar amount cannot be exceeded after publication, however, the budget can still be lowered and/or changed within funds until August 12th. Stated the total dollars are based on maintaining an equivalent mill levy of 31.979 mills. Stated the budget does include the certification of three additional funds that were not itemized in the Council's agenda reports. Stated the first TIF is more of a technical adjustment for the City to return the \$34,000.00 it received on the Main and Murdock TIF. Stated they received those funds between 2003 and 2007 and the City should not have received those monies. Stated in addition, the revenues for the East Bank TIF and the 21st Street and Grove TIF have come in ahead of projections and they would like to certify that so they can pay some additional debt service for those funds. Stated today is the public hearing and the public may address the Council regarding the budget as well as on August 5th and 12th. Stated this Thursday, July 24th, Staff will present the 2009 and 2010 budget to the DABs, which will be in the Council Chambers at 6:30 p.m. and the public is encouraged to attend.

Mayor Brewer inquired whether anyone wished to be heard.

Bob Schreck, 4769 North Parkwest, stated he is here to talk about adding the seven firefighters to the budget for stations 13 and 18. Stated he feels this is a safety issue only having one vehicle in the station when there is a call and another fire service must come from somewhere else. Stated he does not see seven minute response calls as being acceptable. Stated this is a fire and rescue department and they are the first responders and it is very critical that they arrive at the scene as soon as possible.

Carl Brewer moved to approve setting the public hearing on the proposed 2009 Budget (including the Tax Increment Financing Districts and the Self-Supporting Municipal Improvement District downtown) and the revised 2008 Budget for August 12, 2008; authorize publication of the formal public hearing notice; approve first reading of the general budget, TIF district, and SSMID ordinances; and set a maximum amount of taxes levied (\$100,840,350) based on an anticipated mill levy of 31.979 mills (no change from the current mill levy) and an estimated assessed valuation of \$3,153 billion.

Motion carried 7 to 0

2. [Water Monthly Base Charge Increase - Ordinance.](#)

Attachment: [Agenda Item No. 2.](#)

Attachment: [Supporting Document \(Declaration of Emergency\)](#)

David Warren reviewed item.

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Carl Brewer moved to declare that a public emergency exists requiring the final adoption and passage on the day of its introduction July 22, 2008 to increase water monthly base charges. Motion carried 7 to 0

3. [Public Exigency-Chapin Landfill Methane Gas.](#) (District III)

Attachment: [Agenda Item No. 3.](#)

Chris Carrier Public Works Director reviewed the item.

Mayor Brewer inquired whether anyone wished to be heard and no one appeared.

Council Member Skelton expressed concerns with proposed park improvements and asked what impacts are there to these proposed park improvement facilities. Stated they are not allowed to go forward until KDHE determines that it is acceptable.

Chris Carrier stated he does not know if it is possible for them to know right now.

Council Member Skelton stated he finds this upsetting and that the City has planned and been engaged in the public process in putting park improvements there. Stated he has been told by staff that it is safe for a park. Stated he wants to see something in writing from KDHE that says it is safe to put a park there.

Chris Carrier stated he does not have the knowledge to tell him there is going to be a problem with any part of the park or not.

Council Member Skelton stated the decision to put a park there has already been made and somebody should have had the knowledge and he does not like finding something like this out at the last moment.

Kay Johnson Environmental Services Director stated to begin with we have to make sure the public is safe and after that they can look at the park. Stated she has spoken to a KDHE person who was in charge and was told that they do not see a problem with having a park on a landfill. Stated that is with her addressing all of the issues there is to address. Stated there are parks on landfills in other places so they would expect this would be the same thing.

Scott Moore Interim City Manager stated once he gets all the details from the consultant ant he will bring it back to the Council with all the land uses and plans for the future regarding the park.

Jim Skelton moved to declare the public exigency and authorize payment of the resulting bills in an amount not to exceed \$500,000.00 from the Landfill Post Closure Budget. Motion carried 7 to 0

CONSENT PLANNING AGENDA (ITEMS 4 THROUGH 7)

Carl Brewer moved to approve Planning Consent Items 4 through 7 in accordance with the recommended action shown thereon.

Motion carried 7 to 0

4. [CUP2008-00015 AND ZON2008-00021 – Creation of DP-313 Parker Addition Community Unit Plan and zone change from SF-5 Single-family Residential \(“SF-5”\) to LC Limited Commercial \(“LC”\), generally located on the northwest and southeast corners of Central Avenue and 127th Street East. \(District II\)](#)

Attachment: [DAB Memo](#)

Attachment: [MAPC Minutes Excerpt](#)

Attachment: [Ordinance](#)

Attachment: [Site Plan](#)

Attachment: [Agenda Item No. 4.](#)

5. [SUB 2007-92-Plat of Maize School South Campus Addition located on the south side of 37th Street North between Maize Road and Tyler Road. \(District V\)](#)

Attachment: [Supporting Documents](#)

Attachment: [Agenda Item No. 5.](#)

6. [VAC2008-00016- Request to vacate a portion of a platted easement, generally located west of K-96 Highway, midway between 13th and 21st Streets North, northeast of the Crestwood and Chapel Hill Streets intersection. \(District II\)](#)

Attachment: [Agenda Item No. 6.](#)

7. [VAC2008-00017- Request to vacate a portion of a setback dedicated by separate instrument; generally located on the southeast corner of 47th Street South and Broadway Avenue. \(District III\)](#)

Attachment: [Agenda Item No. 7.](#)

COUNCIL MEMBER AGENDA

8. COUNCIL MEMBER APPOINTMENTS

Council Member Longwell requested that Mike Bell, Dana Brown, Jay Buckmaster, Kenton Cox, Joey Ellzey, Jay Flinn, Bryan Frye, Mike Hill, Darrell Leffew, Pat Ream, Clarke Sandberg, and Kelli Watkins be reappointed to DAB V and Logan Fritz be appointed to his youth council and to include Pat Ring.

Carl Brewer moved to approve the appointments.

Motion carried to 7 to 0

[CONSENT AGENDA, \(ITEMS 9 THROUGH 33b\)](#)

Carl Brewer moved to approve consent agenda items 9 through 33b in accordance with the recommended action shown thereon.

Motion carried 7 to 0

9. Report of Board of Bids and Contracts dated July 21, 2008.

10. Applications for Licenses-NONE

11. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2008</u>	<u>(Consumption off Premises)</u>
Jeff Parler	Kwik Shop 714	4811 South Seneca
Jeff Parler	Kwik Shop 716	2424 West 37th Street North
Jeff Parler	Kwik Shop 722	3959 South Hydraulic
Jeff Parler	Kwik Shop 727	7107 West 37th Street North
Jeff Parler	Kwik Shop 731	710 West 29th Street North
Jeff Parler	Kwik Shop 748	2809 East Douglas
Jeff Parler	Kwik Shop 772	2750 South Oliver
Kulwinder Jaswal	Petro America	2700 North Amidon Street

<u>Renewal</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Gerardo Guzman	La Posada Inc.*	552 South Oliver
Hanh Bui	Saigon Restaurant*	1105 North Broadway

<u>New</u>	<u>2008</u>	<u>(Consumption on Premises)</u>
Mohammad Z Hossain	D&D Enterprise Inc.	5562 South Seneca
Philomena Sadig	4SPS LLC	802 North West Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

12. Preliminary Estimates:

- a. Preliminary Estimates.

Attachment: [Item 12. Preliminary Estimates](#)

13. Petitions for Public Improvements:

- a. Construct a Water Distribution System for Clifton Cove Addition, Clifton Heights Commercial Additions and two unplatted tracts, north and south of 63rd Street South, along both sides of Clifton (District III)

Attachment: [Map, Petition](#)

Attachment: [Agenda Item No.13a.](#)

- b. Construct Paving and Drainage Improvements for Monarch Landing Additions, north of 21st Street, west of 159th Street East. (District II)

Attachment: [Map, Petitions](#)

Attachment: [Agenda Item No. 13b.](#)

- c. Street Paving in Woodland North Addition, east of Hood, south of 29th Street North. (District VI)

Attachment: [Map, CIP, Petition](#)

Attachment: [Agenda Item No. 13c.](#)

14. Deeds and Easements-NONE.

15. Statement of Costs-NONE.

16. Consideration of Street Closures/Uses-NONE.

17. Agreements/Contracts-NONE.

18. Design Services Agreement-NONE.

19. Change Orders:

- a. Change Order and Petition for Sanitary Sewer in Edge Water Addition and unplatted tract, south of 45th Street North, west of Hoover.
(District V)

Attachment: [Map, Petition](#)

Attachment: [Agenda Item No. 19a.](#)

20. Property Acquisitions-NONE.

21. Minutes of Advisory Boards/Commissions

Arts Council Minutes, June 12, 2008

22. Repair or Removal of Dangerous and Unsafe Structures-NONE.

23. Designation of Redeveloper for Portions of Lot 8, Bridgeport Industrial Park II and Lots 3 and 4, North Wichita Gardens Addition. (District VI)

Attachment: [Agenda Item No. 23.](#)

24. Fidelity Bank Resolutions.

Attachment: [Resolution](#)

Attachment: [Authorization Resolution](#)

Attachment: [Agenda Item No. 24.](#)

25. HOME CHDO Housing Development Funding Agreements.
(Districts I, III, IV, V and VI)

Attachment: [Agreement](#)

Attachment: [Contract](#)

Attachment: [Contract](#)

Attachment: [Contract](#)

Attachment: [Agenda Item No. 25.](#)

26. Acquisition of Vacant Parcel Adjacent to 9818 East Kellogg for the Kellogg/Webb Road Interchange Project. (District II)

Attachment: [Map and Deed](#)

Attachment: [Agenda Item No. 26.](#)

27. Settlement of Lawsuit.

Attachment: [Agenda Item No. 27.](#)

28. Water Treatment Plant Taste and Odor Control Improvements.

Attachment: [Agenda Item No. 28.](#)

29. Abatement of Dangerous and Unsafe Structures. (Districts I, III, IV and VI)

Attachment: [Agenda Item No. 29.](#)

30. Geophysical Testing of a Sanitary Sewer Trench - Agreement. (Districts I, II, III, and VI)

Attachment: [Agenda Item No. 30.](#)

31. City of Wichita Point-to-Point Data Network Services.

Attachment: [Contract](#)

Attachment: [Agenda Item No. 31.](#)

32. City of Wichita Intelligent Transportation System Project.

Attachment: [Agenda Item No. 32.](#)

Attachment: [Contract](#)

33. Second Reading Ordinances:

a. Maize Road Improvement, between Pawnee and Kellogg. (District IV)

An Ordinance amending Ordinance No. 47-889 of the City of Wichita, Kansas declaring Maize Road, between Pawnee and Kellogg (472-84697) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

b. Meridian Street Improvement, between 47th Street South and 31st Street South. (District IV)

An Ordinance amending Ordinance No. 46-849 of the City of Wichita, Kansas declaring meridian, between 47th st. south and 31st st. south (472-84302) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

Executive Session.

Carl Brewer moved to enter closed session to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation, legal advice, personnel matters of non-elected personnel and that the Council return from Executive Session no earlier than 10:45 a.m. and reconvene in the city council chambers on the first floor of city hall.

Motion carried 7 to 0

The City Council reconvened in the Council Chambers at 11:00 a.m.

Carl Brewer moved to approve extending the Executive Session until 11:20 a.m.

Motion carried 5 to 0

The Council reconvened in the Council Chambers at 11:20 a.m.

Carl Brewer moved to close the Executive Session.

Motion carried 6 to 0

Carl Brewer moved to adjourn the regular meeting.

Motion carried 6 to 0

ADJOURNMENT

The meeting was adjourned at 11:21 a.m.

Respectfully submitted,

Karen Sublett, CMC
City Clerk